

DAVID M. GOLDMAN (DG-9430)  
**SOBEL PEVZNER, LLC**  
*Attorneys for Defendants*  
**NESTLE WATERS NORTH AMERICA INC.**  
***i/s/h/a NESTLE WATERS NORTH AMERICA INC.***  
***and NESTLE WATERS CO., and GEORGE BRIGHT***  
464 New York Avenue, Suite 100  
Huntington, New York 11743  
Tel: 631-549-4677  
File No.: DP-15547  
[DGoldman@sobelpevzner.com](mailto:DGoldman@sobelpevzner.com)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WILMAN DIAZ SALOMON,

Plaintiff,

Civil Action No.: 1:21-cv-08218

- against -

**NOTICE OF REMOVAL**

NESTLE WATERS NORTH AMERICA INC. and  
NESTLE WATERS CO. and GEORGE BRIGHT,

Defendants.

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TO: **LAW OFFICES OF MITCHELL KLAFTER, P.C.**  
*Attorneys for Plaintiff*  
**WILMAN DIAZ SALOMON**  
23-25 31<sup>st</sup> Street, Suite 410  
Astoria, NY 11105  
Tel: 718-465-1160

**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C., Section 1441, defendants, **NESTLE WATERS NORTH AMERICA INC. i/s/h/a NESTLE WATERS NORTH AMERICA INC. and NESTLE WATERS CO., and GEORGE BRIGHT** (the "Removing Defendants"), hereby remove this action from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York. The Removing Defendants appear solely for the purpose of removal and for no other purpose, reserving all other defenses available to them, and allege as follows:

1. The defendant, GEORGE BRIGHT, resides at 8 Mack Street, Norwalk City, County of Fairfield, State of Connecticut, and the defendant, NESTLE WATERS NORTH AMERICA INC. i/s/h/a NESTLE WATERS NORTH AMERICA INC. and NESTLE WATERS CO., is an authorized foreign corporation duly incorporated in the State of Delaware, with its principal place of business located at 1209 Orange Street, Wilmington, New Castle Delaware 19801.

2. The plaintiff, WILMAN DIAZ SALOMON, resides at 13801 Castle Blvd., Silver Spring, Maryland 20904.

3. This Notice of Removal is being filed as the Removing Defendants' served plaintiff with a Notice to Admit as to damages on July 13, 2021. A copy of Removing Defendants' Notice to Admit, which was served on plaintiff on July 13, 2021, is annexed hereto as **Exhibit "A."** To date, plaintiff has not served a Reply to Removing Defendants' Notice to Admit, and pursuant to the C.P.L.R., has now admitted that the amount in controversy is greater than \$75,000.00. Thus the Notice of Removal is timely filed pursuant to 28 U.S.C., Section 1446(b).

4. In compliance with 28 U.S.C. Section 1446(a) annexed hereto as **Exhibit "B"** is a copy of the plaintiff's Summons and Complaint dated and e-filed May 19, 2021.

5. The Removing Defendants responded to plaintiff's Summons and Complaint by service of a Verified Answer and Combined Discovery Demands on July 13, 2021, including a Demand for Damages and Notice to Admit. To date, plaintiff's responses to defendants' demands remain outstanding. See **Exhibit "C"** annexed hereto, which constitutes all pleadings served upon the parties herein.

6. The plaintiff in this action seeks to recover a sum in an amount in excess of the upper monetary jurisdictional limit of all lower courts, in compensation for personal injuries which allegedly occurred on or about the 9<sup>th</sup> day of June, 2020, while the plaintiff was operating a motor vehicle at Westchester Avenue intersecting Sheridan Expressway, County of Bronx, State of New York.

7. Jurisdiction in the United States District Court is founded upon 28 U.S.C. Section 1332(a) as there exists diversity of citizenship between the parties and the sum sought by the plaintiff exceeds Seventy-Five Thousand (\$75,000.00) Dollars.

8. Removing Defendants will promptly file a copy of this Notice of Removal in the Supreme Court of the State of New York, County of Bronx, and will serve a copy of the same on the plaintiff in accordance with 28 U.S.C., Section 1446(3).

**WHEREFORE**, Removing Defendants, **NESTLE WATERS NORTH AMERICA INC. i/s/h/a NESTLE WATERS NORTH AMERICA INC. and NESTLE WATERS CO., and GEORGE BRIGHT**, give notice that the above-captioned action commenced against them in the Supreme Court of the State of New York, County of Bronx, has been removed to this Court.

Dated: Huntington, New York  
October 5, 2021

  
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DAVID M. GOLDMAN (DG-9430)